

**IN THE UNITED STATES DISTRICT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>LEVON DUNCAN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION 04-0173-WS-L</b>
	)	
<b>CHERYL PRICE</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

This cause is before the Court on Petitioner's Motion for Reconsideration (Doc. 10). In this motion, Petitioner requests that this Court reconsider its order adopting the Magistrate Judge's Report and Recommendation recommending that Petitioner's petition for habeas corpus relief be denied. That Report and Recommendation (Doc. 6) was entered by the Magistrate Judge on November 16, 2004. Thereafter, Petitioner filed his objection (Doc. 7) to the Recommendation on December 16, 2004. After considering the Report and Recommendation and Petitioner's objection thereto, the undersigned entered an Order (Doc. 8) on December 20, 2004 adopting the Report and Recommendation and dismissing Petitioner's habeas corpus petition without prejudice. Now, Petitioner seeks reconsideration of that order.

This Court, having considered Petitioner's motion and the materials attached thereto, finds that Petitioner's motion for reconsideration is due to be and is hereby DENIED.

**DONE and ORDERED** this 22nd day of April, 2005.

s/WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE